

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PENDLETON DIVISION

JORGE ORLANDO CABRERA,

No. CV. 09-1255-AC

Petitioner,

ORDER

v.

RICK COURSEY

Respondent.

C. Renee Manes
FEDERAL PUBLIC DEFENDER
101 SW Main Street
Suite 1700
Portland, OR 97204

Attorney for Petitioner

Andrew D. Hallman
OREGON DEPARTMENT OF JUSTICE
CCR Section
1162 Court Street, NE
Salem, OR 97301

Attorney for Respondent

HERNANDEZ, District Judge:

Magistrate Judge John V. Acosta issued a Findings and Recommendation (doc. #24) on October 5, 2011, in which he recommends that petitioner's Petition for Writ of Habeas Corpus be denied and a judgment be entered dismissing this case with prejudice. He also recommends that I decline to issue a Certificate of Appealability on the basis that petitioner has not made a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c)(2). The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, I am relieved of my obligation to review the record de novo. United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); see also United States v. Bernhardt, 840 F.2d 1441, 1444 (9th Cir. 1988) (de novo review required only for portions of Magistrate Judge's report to which objections have been made). Having reviewed the legal principles de novo, I find no error.

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CONCLUSION

The court ADOPTS the Magistrate Judge's Findings and Recommendation (doc. #24). Accordingly, petitioner's Petition for Writ of Habeas Corpus is denied and I decline to issue a Certificate of Appealability.

IT IS SO ORDERED.

DATED this 31st day of October, 2011.

/s/ Marco A. Hernandez
MARCO A. HERNANDEZ
United States District Judge